

Newburgh Town Council Meeting  
Date: Wednesday, March 11, 2015

The Newburgh Town Council met in Committee and Regular Session on Wednesday, March 11, 2015, at 4:30 p.m. at Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana. Those present at the meeting were District II Leanna K. Hughes, District III Alonzo B. Moore, Jr., District IV Anne Rust Aurand, Council-at-Large Tonya R. McGuire, Clerk-Treasurer Jon E. Lybarger, Town Manager Lori Buehlman and Town Attorney Christopher Wischer. Absent was District I William F. Kavanaugh. The purpose of the meeting was discussion of personnel matters and pending litigation.

CALL TO ORDER

Council vice-president Leanna K. Hughes called the Regular Session to order at 5:34 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council. A moment of silence was observed for Jim Seibert, a friend to Newburgh, council members and all who met him, and for our troops.

ROLL CALL

Those present at the meeting:

District II - Leanna K. Hughes

District III - Alonzo B. Moore, Jr.

District IV - Anne Rust Aurand

Council-at-Large - Tonya R. McGuire

Clerk-Treasurer - Jon E. Lybarger

Town Manager - Lori S. Buehlman

Town Attorney - Christopher Wischer

Absent: District I - William F. Kavanaugh

APPROVAL OF MINUTES

1. February 11, 2015 ~ Executive & Regular Session

MOTION by Ms. Aurand to approve the February 11, 2015 Town Council minutes.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0, abstain 1 (McGuire).

2. February 25, 2015 ~ Executive & Regular Session

MOTION by Ms. Aurand to approve the February 25, 2015 Town Council minutes.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0, abstain 1 (McGuire).

SCHEDULED REQUESTS & APPEARANCES

1. Newburgh Elementary School Fitness Walk, Kurt Krodel, Principal, Craig Parker and Janine Moore  
Kurt Krodel, Newburgh Elementary School Principal, 607 Bartlett Dr., Newburgh, requested permission to hold the Newburgh Elementary School Wildcat Run on Friday, May 22, 2015 with a rain date of May 26, 2015. The walk would be held on Rivertown Trail from 9:00 AM to 11:00 AM beginning and ending at the park located next to Edgewater. Porta-potties will be rented. The Chief has approved their plan.

MOTION by Mrs. McGuire to approve the Newburgh Elementary School Fitness Walk on May 22, 2015 with a rain date of May 26, 2015.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

#### PETITIONS AND COMMENTS FROM CITIZENS PRESENT

No petitions or comments from citizens present.

#### UNFINISHED BUSINESS

1. Town of Newburgh Rivertown Trail / Event Policy, tabled December 10, 2014  
Continue to table.

2. Ordinance 2015-02, Amend Ordinance 2014-11, Salary Ordinance for 2015, tabled January 28, 2015  
MOTION by Mrs. McGuire to remove from table Ordinance 2015-02, Amending Ordinance 2014-11, Salary Ordinance for 2015.

SECOND by Ms. Aurand.

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. McGuire for the first reading of Ordinance 2015-02, Amending Ordinance 2014-11, Salary Ordinance for 2015.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Wischer read Ordinance 2015-02, an ordinance amending Ordinance 2014-11, regarding payment of officials and employees of the Town of Newburgh for 2015.

MOTION by Mrs. McGuire to accept the first reading of Ordinance 2015-02, Amending Ordinance 2014-11, Salary Ordinance for 2015.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. McGuire for the second reading of Ordinance 2015-02, Amending Ordinance 2014-11, Salary Ordinance for 2015.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Wischer read Ordinance 2015-02, an ordinance amending Ordinance 2014-11, regarding payment of officials and employees of the Town of Newburgh for 2015.

MOTION by Mrs. McGuire to adopt Ordinance 2015-02, Amending Ordinance 2014-11, Salary Ordinance for 2015.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

3. Mystic Development, Country Place Drive, Encroachment Agreement, tabled January 28, 2015

Continue to table.

4. Motor Vehicle Highway Budget Revisions, tabled January 28, 2015

MOTION by Mrs. McGuire to remove from table Motor Vehicle Highway (MVH) Budget Revisions.

SECOND by Mr. Moore.

MOTION carried: ayes 4, nays 0.

Mrs. Hughes stated the Finance Committee reviewed the budget revisions and recommend approval.

MOTION by Mrs. McGuire to approve the Motor Vehicle Highway budget revisions.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

5. Town Vehicle Refinancing Options, tabled February 11, 2015

Mr. Lybarger stated he awaits one proposal and will present all submissions at the next meeting.

6. Ordinance 2015-03, Towing Ordinance, tabled February 11, 2015

Remain tabled until April 8, 2015.

NEW BUSINESS

1. Construction Contract Bid Award for 2015 Manhole Rehabilitation Project

Brenton Hasenour stated Commonwealth Engineering Inc. (CEI) reviewed the bids and recommends Monoform LLC who is low bidder.

MOTION by Mrs. McGuire to award the Construction Contract Bid for 2015 Manhole Rehabilitation Project to Monoform, LLC in the amount of \$34,935.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

2. Sanitary Sewer Service Consent and Waiver Provision, 7655 Jenner Rd, David Dazey

Mr. Wischer stated the request was approved by the Utility Committee as the Town does not have sewer service in the area.

MOTION by Mrs. Hughes to approve the Sanitary Sewer Service Consent and Waiver Provision at 7655 Jenner Road for David Dazey.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Ms. Aurand

The board did not meet this month due to lack of agenda items.

FIRE - Mr. Moore

Mr. Moore stated the department responded to a horse rescue call.

MOTION by Mr. Moore to direct Mr. Wischer to prepare an ordinance allowing the fire department to seek reimbursement for supplies when cleaning hazardous materials.

SECOND by Mrs. Hughes.

DISCUSSION: The ordinance will follow state statues in expense recoupment. Mr. Wischer will review rate allowances when making fire runs in the Town versus out of the corporate limits.

MOTION carried: ayes 4, nays 0.

HISTORIC PRESERVATION COMMITTEE (HPC) - Mrs. McGuire

Mrs. McGuire stated HPC will meet tomorrow evening, March 12, 2015 at Town Hall. Two (2) Certificates of Appropriateness will be considered; one for a sign at 8 West Jennings and the other for a garage demolition and new garage at 216 West Jennings. Ms. Buehlman stated the joint HPC and Historic Newburgh Inc. (HNI) meeting will be held on May 14, 2015 at Preservation Hall.

PARK – Mrs. Hughes

Ms. Buehlman stated the board approved the 2015 pool flyer. Concessions at the pool have been contracted to Cleo's Poolside.

PLAN – Ms. Aurand

Ms. Aurand stated the Plan Commission held a public hearing on March 2, 2015 to consider the rezoning of approximately 10 acres from agricultural to commercial on the Town's west edge. Twenty-five individuals planned to speak at the meeting with most not in favor of the rezoning. The hearing was continued to the next meeting on April 6, 2015.

POLICE – Mrs. McGuire

The Police Commission met on March 2, 2015. Deanna Malcolm was recognized for her work with the computer domain renewal. Standard operating procedures were approved for body worn cameras and social media. In February, 52 citations were issued, 60 warnings and one ordinance violation. The Chief notified the council that his purchase of a Taser, two cartridges and a battery exceeded his per item spending limit of \$1,000.00 by a small amount. The purchase of a card printed is needed at a cost of \$995.00.

MOTION by Mrs. McGuire to purchase a card printer at a cost of \$995.00 with the cost shared evenly between the police department, civil town and sewer.

SECOND by Mrs. Hughes.

DISCUSSION: The Chief was able to negotiate the price from \$1,300.00 to \$995.00.

MOTION carried: ayes 4, nays 0.

The next meeting will be held on April 13, 2015 and the Chief will attend the Plan Commission meeting.

STORM WATER – Mr. Kavanaugh and Mr. Moore

Mr. Moore stated the street crew is making every effort to keep the ditches and storm drains open.

STREETS – Mr. Moore

Mr. Moore stated the crew performed maintenance on the snow removal equipment and placed the plow on the new 4-wheel drive truck. Salt and sand were mixed to restock the container bins. Tires were replaced on the 2004 F-150 truck. The small dump truck brakes failed and are being repaired. Pothole patching has begun.

UTILITY – Mrs. Hughes

Mrs. Hughes presented the motions from the March 4, 2015 meeting.

MOTION by Mrs. Hughes to allow Warrick County to widen the road over the top of the Town's existing sanitary sewer within the Town's easement with proper encroachment agreements in place.

SECOND by Mrs. McGuire.

DISCUSSION: The road to be widened is on the northwest corner of Libbert Road at Hwy 66.

MOTION carried: ayes 4, nays 0.

MOTION amended by Mrs. Hughes to allow Warrick County to widen the road on the northwest corner of Libbert Road at Hwy 66 over the top of the Town's existing sanitary sewer within the Town's easement with proper encroachment agreements in place.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the waiver for the provisional sanitary sewer service with respect to the property owned by CD Real Estate Development Inc. at Bell and Telephone Road.

SECOND by Mrs. McGuire.

DISCUSSION: Mr. Wischer stated the development is under contract to purchase 50 plus acres for a subdivision surrounded by Chandler sewer.

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve a change order for the Epworth Road project to install a lateral stub on the Feldbusch property line.

SECOND by Mrs. McGuire.

DISCUSSION: Mr. Wischer stated this is the property for the lift station.

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to dedicate the roadway within the Town's sixty foot easement at the extension of Vann Road, subject to adequate provisions for the Town's sewer lines and utility lines and final proposal.

SECOND by Mrs. McGuire.

DISCUSSION: Mr. Wischer stated this is the roadway that runs between Libbert Road and the lift station.

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the 2015 Project Priority list for inclusion in the annual Capacity, Management, Operation, and Maintenance (CMOM) report.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to set the 2015 Point Repair budget at \$250,000.00.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the request to replace the bowl assembly of a Wastewater Treatment Plant (WWTP) secondary water pump by contractor Straeffer Pump & Supply, Inc. at a cost not to exceed \$7,162.14 plus freight.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the sanitary sewer repair at 3055 Sandstone Court by contractor PPMI at cost not to exceed \$8,565.00.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the sanitary sewer repair at 8131 Wyngate Circle by contractor Hydromax at a cost not to exceed \$4,675.00.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve Mr. Wischer's correspondence with the property owner at 8685 St. Clair Drive due to violation of a manhole in the new concrete driveway.

SECOND by Mrs. McGuire.

DISCUSSION: Mr. Wischer will notify the property owner by mail with details of the violation.

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the proposed settlement amount of \$10,000.00 as cost recovery for damage done to State Street by Vectren's contractor Mead.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to engage CEI to develop a corrective action plan and a quote package for sanitary sewer problems discovered in the Cypress Court sanitary sewer.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to correspond with no objection to the vacation of the Glenwood Drive public utility right-of-way and drainage easements making exception for any affecting sewer.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the Bruce Lane settlement of \$20,000.00 plus encroachment agreement.

SECOND by Mrs. McGuire.

DISCUSSION: Mr. Wischer stated this is resolution of the condemnation litigation case filed against Bruce Lane in the Old Hickory subdivision.

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the leak adjustment for 7544 Youngs Court.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Ms. Aurand stated she prefers to vote on each motion separately, as the council just acted, to allow for open discussion and clarification when needed. There was discussion if a committee vote is considered unanimous when all vote aye but one abstains from voting. Robert's Rules of Order were consulted and the following was read: allows unanimity even with abstentions equating unanimous consent with silent consent i.e. no objections raised. Mr. Wischer stated it is a consent to the majority decision.

#### STANDING COMMITTEES

FINANCE – Mrs. Hughes

Mrs. Hughes stated finance did meet regarding the MVH budget revisions and salary ordinance; these were discussed earlier in the meeting.

PERSONNEL – Mrs. Hughes

MOTION by Mrs. Hughes to hire Rebeka Kaufman for the full-time position of billing clerk at the Newburgh Utility Office at an hourly rate of \$12.50 plus benefits pending a negative drug screen.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

#### SPECIAL BOARDS/COMMITTEE REPORTS

SIDEWALK – Mrs. Hughes

Ms. Buehlman stated she and Commonwealth are discussing the sidewalk construction projects to avoid conflict with Newburgh events.

ARTS COMMISSION – Mrs. Hughes

The Arts Commission will travel to Terre Haute to view an outdoor concert arena on April 23, 2015.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

No report.

CLERK-TREASURER – Mr. Lybarger

Mr. Lybarger stated the annual report has been filed with the State of Indiana.

MOTION by Mrs. McGuire to move forward with the codification of ordinances through American Legal Publishing.

SECOND by Mrs. Hughes.

DISCUSSION: Several vendors were reviewed before American Legal was chosen.

MOTION carried: ayes 4, nays 0.

PC Quest has provided an estimate for new laptops for council members. Mrs. McGuire stated council members are in favor of a tablet and requested a quote also be received from Verizon where the Town has a current plan. A new server and Town website were discussed; all computer and related issues are being addressed with PC Quest.

TOWN ATTORNEY – Christopher Wischer

Mr. Wischer requested permission to respond to residents regarding public alleys.

MOTION by Ms. Aurand to direct Mr. Wischer to proceed with alley research and prepare a letter for affected residents.

SECOND by Mrs. McGuire.

DISCUSSION: Ms. Aurand stated this would be a good topic for the newsletter.

MOTION carried: ayes 4, nays 0.

MOTION by Mr. Moore to direct Mr. Wischer to prepare an ordinance for the rezoning of the property at the northeast corner of State and Gray from C1 to R1 and present to the Plan Commission.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Wischer stated he will be in Indianapolis next week for the Indiana Utility Regulatory Commission (IURC) hearing on Chandler's ordinance petition.

TOWN ENGINEER – Mr. Hasenour

Mr. Hasenour gave an update on the Epworth Sewer Expansion Project: the contractor has mobilized, is driving piles at the lift station site and will be digging the hole next week. A ground breaking ceremony will take place tentatively on April 10, 2015.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman stated she attended the Blight Elimination Public Hearing today in Boonville and expressed support for the program. The program has received \$1.4 million and has been selected to receive an additional round of funding. The river level will be closely watched.

Ms. Buehlman will attend the annual Indiana Department of Transportation (INDOT) Employee in Responsible Charge (ERC) training on March 26, 2015 in Seymour.

On March 27, 2015, Ms. Buehlman will deliver the graduation address at ITT Technical Institute.

The American Legion annual Easter egg hunt will be held on March 21, 2015.

Ms. Buehlman stated she was encouraged to see so many residents at the recent public meeting who spoke and expressed their feelings.

MISCELLANEOUS BUSINESS

Mr. Wischer stated on March 15, 2015, Bamberger will have an office in Newburgh at 327 W. Jennings.

Mrs. McGuire expressed gratitude for her life.

Mr. Moore stated John Heck and Dustin Smith are attending Road School at Purdue.

APPROVAL OF CLAIMS

MOTION by Mr. Moore moved that all claims be paid in the following amounts including any sewer adjustments:

Civil Town – \$242,673.57

Sewer – \$704,526.00

State Revolving Fund (SRF) – \$23,771.06

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

ADJOURNMENT

MOTION by Mrs. McGuire to adjourn.

SECOND by Mr. Moore.

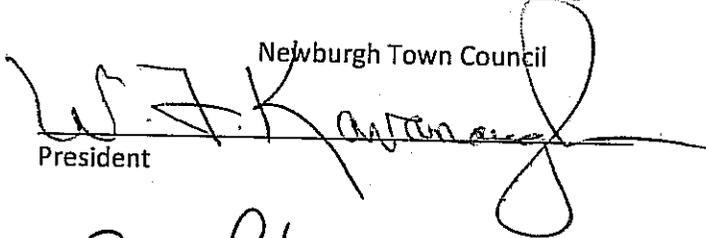
DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Kavanaugh adjourned the meeting at 7:23 p.m.

APPROVED this 25 day of March, 2015.

Newburgh Town Council

  
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President

ATTEST:

  
\_\_\_\_\_  
Clerk-Treasurer